

REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 2-8, 10-13, 15, and 16 remain pending in the present Application. Claim 10 has been amended to address a cosmetic matter of form. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 10 and 12 stand objected to under 37 C.F.R. § 1.75 as being of improper dependent form; Claim 10 stands rejected under 35 U.S.C. § 112, second paragraph; Claims 2-8, 10-13, 15, and 16 stand rejected under 35 U.S.C. § 102 as being anticipated by Aramaki et al. (U.S. patent No. 6,298,022 B1, hereinafter Aramaki); Claim 13 stands rejected under 35 U.S.C. §103 as being unpatentable over Aramaki in view of Moskowitz et al. (U.S. Patent No. 5,889,868, hereinafter Moskowitz); and, Claims 2-8, 10-13, 15, and 16 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-16 of Aramaki.

CLAIM OBJECTIONS

The outstanding Official Action has objected to Claims 10 and 12 under 37 C.F.R. § 1.75(c) as being improper dependent claims. Applicants respectfully traverse the objection.

Applicants' have amended Claim 10 to further clarify that the checking of data in the database includes checking for modifications using a hash function. With respect to Claim 12, Claim 12 recites that the duplication of contents is allowed when discrimination information and temporal data of content to be duplicated is not stored in the database. As Claim 2 recites specific conditions with regard to duplicating content when such information

is present in a database, Applicants respectfully request that Claim 12 further limits Claim 2, and, is therefore, proper.

Accordingly, Applicants respectfully request that the rejection of Claims 10 and 12 under 37 U.S.C. § 1.75(c) be withdrawn.

REJECTION UNDER 35 U.S.C. § 112

The outstanding Official Action has rejected Claim 10 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants respectfully traverse the rejection.

As Applicants have amended Claim 10 to remove the term “possible,” Applicants respectfully submit that Claim 10 is definite. Accordingly, Applicants respectfully request that the rejection of Claim 10 under 35 U.S.C. § 112, second paragraph, be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

The outstanding Official Action has rejected Claims 2-8, 10-13, 15, and 16 under 35 U.S.C. § 102 as being anticipated by Aramaki. The Official Action contends that Aramaki discloses all of the Applicants’ claim limitations. Applicants respectfully traverse the rejection.

Applicants respectfully direct the Examiner’s attention to the international filing date of the present Application. The international filing date of the present Application is December 24, 1999. As this date precedes the filing date of the Aramaki reference,¹ Applicants respectfully submit that the Aramaki reference does not qualify as prior art against the present Application. Accordingly, Applicants respectfully submit that the rejection of Claims 2-8, 10-13, 15, and 16 under 35 U.S.C. § 102 is improper and should be withdrawn.

¹ Aramaki was filed on March 6, 2000.

REJECTION UNDER 35 U.S.C. § 103

The outstanding Official Action has rejected Claim 13 under 35 U.S.C. §103 as being unpatentable over Aramaki in view of Moskowitz. The Official Action states that Aramaki discloses all of the Applicants' claim limitations with the exception of a water marking encryption mechanism. The Official Action cites Moskowitz as disclosing this more detailed aspect of the Applicants' invention and states that it would have been obvious to one skilled in the art at the time the invention was made to combine the cited references for arriving at the Applicants' claim. Applicants respectfully traverse the rejection.

As noted above, Aramaki does not qualify as prior art against the claims of the present Application. Furthermore, even assuming the Aramaki reference did qualify as prior art under 35 U.S.C. § 102(e), Applicants note that this rejection would also be improper as deficient under 35 U.S.C. § 103(c). This is because Applicants submit that the present Application and the Aramaki were, at the time the invention was made, owned by, or subject to an obligation of assignment, to Sony Corporation. Accordingly, application of the Aramaki reference in this obviousness rejection is improper for this additional reason.

Accordingly, Applicants respectfully request that the rejection of Claim 13 under 35 U.S.C. § 103 be withdrawn.

DOUBLE-PATENTING REJECTION

The outstanding Official Action has rejected Claims 2-8, 10-13, 15, and 16 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-26 of Aramaki (U.S. Patent No. 6,298,022).

In response to the double-patenting rejection, Applicants submit herewith a Terminal Disclaimer. Accordingly, Applicants respectfully request that the double-patenting rejection be withdrawn.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

CONCLUSION

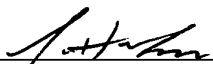
Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 2-8, 10-13, 15, and 16, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,
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